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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DENNISON, JERRY B

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,819

Applicant(s)

OLKKONEN ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/28/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/868,819 received on 28 October 2005.
2. Claims 1-20 are presented for examination.
3. A new Examiner has been assigned to this case.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 15, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 includes the limitation, "wherein samples of data from more than one of the at least on channel..." It is unclear to Examiner how there can be more than one ***of one***.

Claim 15 includes the imitation "wherein the status information comprises... a length of samples of the at least one channel". It is unclear to Examiner what these samples consist of.

Claims 17 and 18 include the limitation, "A network element configured to implement the method of..." It is vague and unclear how the elements are configured to implement these methods.

Claim 19 includes the limitation, "inserting a number of samples". It is unclear to Examiner what these samples consist of.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 10-11, 14, 15, 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Volftson et al. (U.S. 6,650,632).

1. Regarding claims 1-2 and 10-11, the prior rejection is respectfully maintained, because the amendment filed 28 October 2005 does not sufficiently alter breadth of the claims to obviate over the applied references. The rejection issued in the Non-Final Office Action mailed 4/27/2005 remains applicable for rejecting the claims as amended, and is therefore incorporated by reference.
2. Regarding claims 14 and 17, Volftson disclosed the limitations, substantially as claimed, as described in claim 1, including inserting status information into the datagram (Volftson, col. 13, lines 30-35).

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3. Regarding claim 15, Volftson disclosed the limitations substantially as claimed, as described in claim 14, including wherein said status information comprises at least an indicator to indicate activity of the at least one channel (Volftson, col. 17, lines 10-30), a length of samples of the at least one channel and whether channel information definition is comprised in the datagram (Volftson, col. 12, lines 50-65, col. 18, lines 20-30).

4. Regarding claims 19 and 20, Volftson disclosed the limitations, substantially as claimed, as described in claim 1, including inserting a number of samples from said at least one channel of a transmission line into a payload portion of a data packet; and indicating a destination transmission line and a channel within the transmission line in a destination packet address (Volftson, col. 1, lines 10-15, 50-55, Volftson disclosed a telecommunications network including communication of voice and speech compression over the Internet using protocols such as IP, requiring samples of the calls to be included in a packet as well as indicating a channel, col. 13, lines 1-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volftson et al. (U.S. 6,650,632).

5. Regarding claims 3-9 and 12-13, the prior rejection is respectfully maintained, because the amendment filed 28 October 2005 does not sufficiently alter breadth of the claims to obviate over the applied references. The rejection issued in the Non-Final Office Action mailed 4/27/2005 remains applicable for rejecting the claims as amended, and is therefore incorporated by reference.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volftson in view of Shiimoto et al. (U.S. 6,324,175).

Regarding claim 16 and 18, Volftson disclosed the limitations, substantially as claimed, as described in claim 1. Volftson did not explicitly state determining an IP address based on a time slot number having data which is transferred in the datagram.

In an analogous art of networking, Shiimoto disclosed a circuit switched network that comprises a means for referring to the header of burst data written in time slots and for reading its physical address, the burst data in time slots corresponding to this physical address (Shiimoto, col. 3, lines 50-56).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate determining the physical address from the time slot to provide a circuit-switched network which combines the advantages of an

STM-based circuit-switched network and the advantages of data communications based on IP addresses (Shiomoto, col. 2, lines 15-30).

Response to Amendment

Applicant's arguments and amendments filed on 28 October 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1-20 have been fully considered but they are not persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings a circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line [see Applicant's Response, page 9 paragraph 2].

Examiner respectfully disagrees. It is evident from the mappings found in the above rejection that Volftson disclosed parameters that indicate a channel identifier in the second switched transmission line (Volftson, col. 13, lines 1-20).

Applicant's arguments with respect to claims 1-22 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique [see Spec, page 9].

By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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